

REMARKS

Claims 1 – 8 are pending. In the above-identified Office Action, the Examiner rejected Claims 1 – 8 under 35 U.S.C. § 102(e) as being anticipated by Shoji *et al.* (U.S. Patent No. 6,157,609) hereinafter ‘Shoji’.

By this Paper, new Claims 9 – 16 have been added for consideration. These Claims track Claims 1 – 8 and are presented as ‘means plus function’ apparatus claims.

For the reasons set forth below, the present Application is believed to be in proper form for allowance. Reconsideration allowance and passage to issue are respectfully requested.

The present invention addresses the need in the art for an improved system or method for writing to and reading from an optical disc. The invention is set forth in Claims of varying scope of which Claim 1 is illustrative. Claim 1 recites:

1. A method, comprising:
writing a data set, with a write timing, at an area on an optical disc that has spatial features that distort an analog read data signal, the distortion varying as a function of write timing, where the data set has a characterized read error rate as a function of write timing at the area that has the spatial features:
reading the data set from the optical disc;
determining a read error rate for the data set; and
adjusting the write timing based on comparing the read error rate of the data set and the characterized read error rate as a function of write timing. (Emphasis added.)

The prior art does not teach, disclose or suggest the invention as presently claimed. That is, the prior art does not teach, disclose or suggest a method or system for **adjusting write timing based on a comparison of a read error rate of a data set and a characterized read error rate as a function of write timing** as set forth in

Claims 1 - 4, 6, 9 - 12 and 14. Nor does the prior art teach, disclose or suggest a method or system for **choosing a write timing corresponding to a lowest read error rate** as set forth in Claims 5, 7, 13 and 15 or a method or system for **comparing a measured read error rate to a known error rate as a function of write timing to determine a write timing error** as set forth in Claim 8 and 16.

In the above-identified Office Action, the Examiner rejected the Claims as being anticipated by Shoji. Shoji purports to teach a novel recording medium, apparatus and method. The Examiner asserts that Shoji teaches a method for adjusting write timing for an optical disc as claimed and cites column 26, lines 34 - 39 and column 31, lines 14 - 20 in support of this assertion. However, the Examiner's position is not supported by the reference. Indeed, the cited passages literally read as follows:

at col. 26, lines 34 - 39:

In addition to the optimization method information, area **1803** in optical disc **1801** shown in FIG. **18** can also store the above-noted information specific to the optical disc **1801**. In this case this disc-specific information and the leading and trailing mark edge position information obtained by test recording are stored to memory **130** of the disc recorder.

and at col. 31, lines 14 - 20:

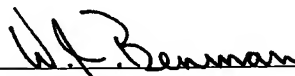
When recording ends the mark sequence is reproduced, and the output signal from demodulation circuit **117** is input to the data comparator **131**. The output signal from unique pattern generator **127a** is also input to data comparator **131**. The data comparator **131** thus compares the recording data and the reproduced data and detects, for example, a byte error rate (BER).

In neither passage nor elsewhere in the reference is a teaching disclosed with respect to **adjusting write timing based on a comparison of a read error rate of a**

data set and a characterized read error rate as a function of write timing as set forth in Claims 1 – 4, 6, 9 – 12 and 14, nor choosing a write timing corresponding to a lowest read error rate as set forth in Claims 5, 7, 13 and 15, nor comparing a measured read error rate to a known error rate as a function of write timing to determine a write timing error as set forth in Claim 8 and 16.

Hence, the present Claims should be allowable. Reconsideration, allowance and passage to issue are respectfully requested.

Respectfully submitted,
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